



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 110-1	Subject: DISCHARGE – JUVENILE PAROLE
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Applicable ACA Standards: 2-7129, 2-7144, 2-7145, 2-7212, 2-7213	Revision Date: 05-15-03, 02-10-04, 09-15-04, 11-06-06, 11-23-07, 10-10-08, 08-17-09, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau will follow established procedures for the discharge of youth. Discharge recommendations will include a summary of the youth's performance that will address the youth's accountability during supervision and consider progress toward treatment, work, restitution and skill development goals. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Discharge - formal action requiring the signature of the Director and notification of the committing Youth Court Judge taken by the Department to relieve the state of any and all court ordered responsibility over a youth who has been formally committed to its custody or automatic action in the case of a youth whose commitment order has expired.

Early Discharge - occurs when the Division Administrator and Department Director approve a juvenile parole officer's request on a youth who has met the conditions of the parole agreement, all imposed court-ordered conditions, including restitution, and has received maximum benefit from all services available through the Department.

Mandatory Discharge - occurs in the following cases:

- A. Expiration of Youth Court Order: when the Court Order sets forth the duration of the commitment time.
- B. Youth attains the maximum age, as defined by statute.
- C. The youth has been transferred and convicted in criminal court as an adult.

III. PROCEDURES:

- A. Youth on parole are not continued under active supervision after one year unless, consistent with Youth Services Division written policy, good reasons exist to show that such continued supervision is required. Youth should be considered for early discharge if, after one year, they have:
 1. Met the conditions of the parole agreement, including having not committed any serious or chronic offenses during this time period; and,

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2. Accomplished all the objectives of the case plan; and,
3. Fulfilled all imposed court-ordered conditions, including restitution and community service; and,
4. Received maximum benefit from all services available through the Department; and,
5. Placement established with custodial parent, legal guardian, or on independent living.

- B.** The Department will discharge only those youth who are under the supervision of the Department of Corrections.

Modifying the original court order and terminating the commitment to the Department shall be at the discretion of the Youth Court.

Discharges from state youth correctional facilities are the responsibility of the respective facility. The Division will make every effort to place youth on parole before discharge except in cases described in [YCC 60-2 \(Field Investigation Request\)](#).

C. TYPES OF DISCHARGES

1. Expiration of Court Order
2. Early Discharge
3. Transfer to Criminal Court (Adult Criminal Convictions)

D. STEPS FOR DISCHARGE

RESPONSIBILITY:

For discharges, with the exception of discharges from state youth correctional facilities, the following procedure will be followed:

1. For youth in a correctional youth facility nearing discharge date, follow the procedures in [YCC 60-2, Field Investigation Request](#), page 3. The Bureau and the Division will make every possible effort to release youth to parole supervision before discharge. JPOs will request discharge for all youth who are on parole, even

Juvenile Parole Officer (JPO)

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if they are on parole for only a few days before discharge.

2. In conjunction with submitting a discharge request have the youth complete a [Discharge Survey \[YCC 110-1 \(D\)\]](#). Have youth place survey in pre-stamped and addressed envelope. Send completed survey to YCC Bureau Chief. JPO
3. Prepare [Recommendation for Discharge, YCC 110-1 \(B\)](#) form and attach order of commitment. JPO,
YCC Bureau Chief

For Early Discharges, also complete [Justification for Early Discharge, YCC 110-1 \(C\)](#). JPO must staff early discharges with the YCC Bureau Chief.

For discharges due to criminal court/adult criminal convictions, also attach the new District Court order.

In cases where more than one JPO is involved, submit both officers' names on recommendation for discharge form.

4. Notify Juvenile Probation Officer of youth's status by submitting the applicable forms from #2 above. Acquire signature on [Recommendation for Discharge YCC 110-1 \(B\)](#). JPO
 - a. Notify the Juvenile Probation Officer when a youth has failed to comply with court order. This may include restitution or treatment. Youth Court may modify court order to retain jurisdiction.
 - b. Note in signature line area of [YCC 110-1 \(B\), Recommendation for Discharge](#), whether the discharge was successful or unsuccessful.
 - c. Unsuccessful means youth transferred to adult system and/or committed a new

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felony, youth who failed to progress in their treatment or case plans, youth who owed but did not pay any restitution, or youth who remain absconded at the time of discharge.

5. Upon securing the Juvenile Probation Officer's JPO signature, notify the committing youth court judge of the action by submitting the [Notice of Intent to Seek Discharge, YCC 110-1 \(A\)](#), along with the attached order of commitment and new District Court order, when applicable. This *must* occur prior to discharge. **In the case of an early discharge, the Juvenile Parole Officer must obtain the approval and signature of the Youth Court Judge on the [Recommendation for Discharge, YCC 110-1 \(B\)](#), instead of sending the [Notice of Intent to Seek Discharge, YCC 110-1 \(A\)](#).**
 - a. *The following documents are required for each type of discharge:*
 - i. **EARLY DISCHARGE**
 - a) Recommendation for Discharge (This includes signature of District Court Judge)
 - b) Justification of Early Discharge Form
 - c) Committing Court Order
 - ii. **EXPIRATION OF COURT ORDER**
 - a) Recommendation for Discharge
 - b) Notice of Discharge
 - c) Committing Court Order
 - iii. **TRANSFER TO CRIMINAL COURT -ADULT CRIMINAL CONVICTION**
 - a) Recommendation for Discharge
 - b) Notice of Discharge
 - c) Committing Court Order
 - d) New District Court Order

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| 6. | Submit original forms as listed above to the Youth Community Corrections Bureau Chief within a week of the requested discharge date. | JPO |
| 7. | Approve or deny request for discharge. | YCC Bureau Chief |
| 8. | The Recommendation for Discharge is approved or denied. | Division Administrator |
| 9. | If the Recommendation is approved, the Order of Discharge is signed. | Director of Department of Corrections |
| 10. | Copies of the Order of Discharge are distributed to the following: | Division Administrator or designee |
| | <ul style="list-style-type: none"> a. Youth (Original) b. Youth Court Judge c. Youth Court Probation Officer d. Juvenile Parole Officer(s) e. Youth Correctional Facility f. Youth Community Corrections File g. Regional Administrative Officer h. Deputy Compact Administrator (if appropriate) | |
| 11. | If denied, the Juvenile Parole Officer will be advised as to the reason for denial. | Division Administrator |

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

V. REFERENCES:

<u>41-5-205, MCA</u>	<u>Retention of jurisdiction - termination</u>
<u>41-5-206, MCA</u>	<u>Filing in district court prior to formal proceedings in youth court</u>
<u>41-5-208, MCA</u>	<u>Transfer of supervisory responsibility to district court after juvenile disposition -- nonextended jurisdiction and nontransferred cases</u>
<u>52-5-107, MCA</u>	<u>Maximum Age of Commitment</u>
<u>52-5-127, MCA</u>	<u>Control Over Youth Released Under Parole Agreement</u>
<u>53-1-203, MCA</u>	<u>Powers and Duties of Department of Corrections</u>
<u>YCC 4.6.6</u>	<u>Furlough/Release/Discharge - Youth</u>

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VI. ATTACHMENTS:

[YCC 110-1 \(A\) Notice of Intent to Seek Discharge Letter to Judge](#)

[YCC 110-1 \(B\) Request for Discharge of Youth from Department Custody & Supervision](#)

[YCC 110-1 \(C\) Justification for Early Discharge Form](#)

[YCC 110-1 \(D\) Discharge Survey](#)